

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MARK HARPER,)
Plaintiff,)
v.) Civil Action No.
DETECTIVE ROBERT BIELECKI,) 18-10709-FDS
Defendant.)

**ORDER DIRECTING PLAINTIFF TO
FILE AN AMENDED COMPLAINT**

SAYLOR, J.

This is an action for civil rights violations. *Pro se* plaintiff Mark Harper alleges that defendant Robert Bielecki, a detective with the department, denied him his right to travel and other civil rights. Specifically, he alleges Bielecki racially profiled him and illegally searched and seized his car, causing \$250,000 in property damage and emotional injury.

On April 12, 2018, Harper filed a self-prepared complaint and a motion for leave to proceed *in forma pauperis*. On June 29, 2018, the Court granted the motion for leave to proceed *in forma pauperis*, dismissed the Boxborough Police Department as a defendant from the case pursuant to 28 U.S.C. § 1915(e)(2), and allowed for a summons to issue as to defendant Bielecki. On October 1, 2018, Bielecki filed a motion to dismiss under Rule 12(b)(6) for failure to state a claim upon which relief can be granted.

On October 17, 2018, Harper was ordered to show cause in writing on or before November 7, 2018, why this matter should not be dismissed. Harper replied to that order on

October 26, 2018.

Although plaintiff's response to the show-cause order provides a more detailed factual account of the incident, even a lenient reading of that six-page account fails to disclose any clear claims against defendant. Plaintiff may be attempting, among other things, to assert civil rights claims under 42 U.S.C. § 1983 for unlawful seizure under the Fourth Amendment and for discriminatory conduct in violation of the Equal Protection or Due Process Clauses of the Fourteenth Amendment. However the complaint fails to identify any specific causes of action upon which relief can be granted.

Rule 8 requires that a complaint include "a short and plain statement of the grounds for the court's jurisdiction"; "a short and plain statement of the claim showing that the pleader is entitled to relief"; and "a demand for the relief sought." Fed. R. Civ. P. 8(a)(2). At a minimum, the complaint must "give the defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests." *Calvi v. Knox County*, 470 F.3d 422, 430 (1st Cir. 2006) (quotations omitted). As pleaded, the complaint fails to comport with the requirements of Rule 8.

Accordingly, Harper is hereby directed to file an amended complaint on or before November 29, 2018, that complies with Rule 8. Failure to do so will likely result in dismissal of the action.

So Ordered.

Dated: November 2, 2018

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
United States District Judge